

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

W.P(C).No. 37840 of 2007(D)

PETITIONER:

**M. ILLIYAS, S/O. MUHAMMEDKUNJU,
AGED 64 YEARS, CHERUNGOTTE VEEDU,
PONGANADU P.O., KILIMANOOR,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADV. SRI.D.SAJEEV
SMT.LIGEY ANTONY**

RESPONDENTS:

- 1. THE STATE OF KREALA, REPRESENTED
BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER,
ROADS DIVISION, PWD, KILIMANOOR.**
- 3. THE ASSISTANT ENGINEER,
ROADS DIVISION, PWED, KILIMANOOR.**
- 4. G. SHAJI, PUTHENVEEDU,
KILIMANOOR P.O., KILIMANOOR.**

BY GOVT. PLEADER, SMT. REMANI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.

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W.P.(C) No. 37840 OF 2007 D
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Dated this the 19th December, 2007

J U D G M E N T

The allegation of the petitioner is that the 4th respondent-contractor, without any authority from the other respondents, has trespassed into the petitioner's property and attempted to construct a water channel through his property. According to the petitioner, this amounts to trespass and therefore he should be restrained from doing the work or atleast, the representation made should be considered by the respondents.

If the petitioner has a case that the 4th respondent has committed trespass as alleged by him, the remedy of the petitioner is to file a civil suit before the appropriate court. The writ petition is dismissed.

ANTONY DOMINIC
JUDGE

jan/-